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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States

## House of Representatives

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March 1, 2002

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INDEPENDENT

President George W. Bush  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

Today the *New York Times* reported that eighteen of the energy industry's top twenty-five financial contributors to the Republican Party obtained special access to Vice President Dick Cheney and his national energy task force. The *New York Times* reported that these emerging facts "demonstrate an apparent correlation between large campaign contributions and access to Mr. Cheney's task force."<sup>1</sup>

I am writing to bring to your attention another similar situation: access to the Department of Energy official charged with formulating revisions to the Clean Air Act's new source review (NSR) program. As in the case of the Cheney energy task force, access to the Department of Energy on this crucial energy and environmental issue appears to be heavily tilted toward industry and closely correlated with campaign contributions.

As you may know, Deputy Secretary of Energy Frank Blake represents the Department of Energy in the NSR interagency process. Based on information provided by Mr. Blake in a letter to me, he met with 65 outside parties regarding NSR. Remarkably, 64 of the 65 parties were industry representatives. Only one of the 65 individuals that Mr. Blake met with represented an environmental organization.

Moreover, the industry representatives that met with Deputy Secretary Blake and the corporations they represent have given over \$6.4 million to your presidential campaign and other Republicans since 1999. In addition, they have given \$2 million to Democrats. I am enclosing a fact sheet that provides more details about these campaign contributions, as well as a copy of Mr. Blake's letter.

I understand that environmental groups did have a meeting with lower level staff of the

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<sup>1</sup>Top G.O.P. Donors in Energy Industry Met Cheney Panel, *New York Times* (Mar. 1, 2002).

President George W. Bush

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Department of Energy on July 18, 2001. This is the same day that Mr. Blake was meeting with officials of a major oil company. I also understand that environmental groups have had two meetings with officials of the Environmental Protection Agency, but according to the groups, EPA did not seriously engage the environmental groups nor follow up on any of the issues raised.

This appearance of undue industry influence has been reinforced by the recent resignation of EPA's Director of Regulatory Enforcement Eric Schaeffer, who cited frustration over the Administration's handling of new source review. Mr. Schaeffer is a former Republican congressional staffer who joined the EPA twelve years ago in the first Bush administration. Last year, Attorney General John Ashcroft awarded Mr. Schaeffer the federal government's prestigious John Marshall Award for the excellence of his legal work.

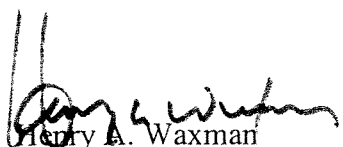
Upon his departure from EPA, Mr. Schaeffer wrote that fifteen months ago, EPA was on the verge of cleaning up some 5 million tons of illegal air pollution each year through the enforcement of NSR. Unfortunately, he writes that the situation has changed dramatically in little over a year:

Yet today, we seem about to snatch defeat from the jaws of victory. We are in the 9th month of a "90 day review" to reexamine the law, and fighting a White House that seems determined to weaken the rules we are trying to enforce. It is hard to know which is worse, the endless delay or the repeated leaks by energy industry lobbyists of draft rule changes that would undermine lawsuits already filed. At their heart, these proposals would turn narrow exemptions into larger loopholes that would allow old "grandfathered" plants to be continually rebuilt (and emissions to increase) without modern pollution controls.<sup>2</sup>

Protection of the environment is a great concern to the American people. Unfortunately, the approach that the Department of Energy is recommending for new source review is not balanced and is not likely to achieve a result that protects public health and the environment. I hope you will keep this information in mind as you consider your options for NSR.

Additionally, in light of the *New York Times* story, I urge you to reconsider your refusal to cooperate with the General Accounting Office and disclose the information they are seeking.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman".

Henry A. Waxman  
Ranking Minority Member

Enclosures

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